

David Allen Capital, Inc  
525 North Main St, Suite 270  
Milford, MI 48357  
248.429.2227  
6/2/23

**United States District Court Eastern District of Michigan**

**David Allen Capital, Inc, Defendant.**

**Re: Motion to Dismiss in 2:23-cv-11111-MAG-APP**

TERRY FABRICANT, individually and on behalf of all others similarly situated  
(Plaintiff) v. David Allen Capital, Inc. Defendant.

Dear Clerk of Court,

Enclosed herewith, please find Defendant's Motion to Dismiss in the above-mentioned case. Pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court, we respectfully request that the Motion to Dismiss be filed and brought to the attention of the assigned Judge.

The Motion to Dismiss asserts several grounds for dismissal, including the failure to state a claim and failure to meet the requirements for class certification. We believe that these grounds warrant the dismissal of Plaintiff's Class Action Complaint.

Additionally, we wish to bring to the Court's attention the concerning behavior of Plaintiff's attorney in this case. The attorney has made broad and overreaching claims against the Defendant without providing any evidence to substantiate these allegations. We believe this may constitute reckless and baseless legal action. Despite the serious nature of the allegations made, Plaintiff's attorney has failed to conduct a proper investigation to support their claims or gather any evidence. This behavior is not only reckless but also undermines the principles of fairness and integrity in the legal process.

Please let us know if there is any additional information required to accompany the Motion to Dismiss. We appreciate the Court's attention to this matter and the timely consideration of our motion.

Thank you for your assistance.

Sincerely,

David Rutz,  
David Allen Capital, Inc  
Enclosure: Motion to Dismiss